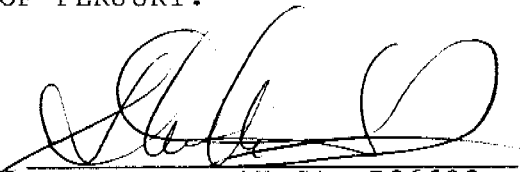


Petitioner asks to be reinstated to his former Status and Charge. D.O.C Officials with placing safeguards as not to have this happen again.

Additional award Nominal Damages and Punitive Damages to the Petitioner in this case for violation of First Amendment right to Free Speech., Denial of the Right to call Counsel and witnesses at his hearing , Eighth Amendment Right to be free from Cruel & Inhuman Punishment and the Fourteen Amendmet Right to Due Process which was additionally denied to him by denieal of his Sixth Amendment Rights to be free of Harrassment for exercising of his Constitutional Rights as under the Constitution of Maryland, Massachusetts and United States.

SIGNED THIS 20 DAY OF SEPTEMBER 2004 .

SIGNED UNDER PENALTY OF PERJURY.



STEVEN M. JOHNSON T26693
P.O.BOX 43
2 Clark Street
NORFOLK MASSACHUSETTS
02056-0043

MASSACHUSETTS DEPARTMENT OF CORRECTION

DISCIPLINARY REPORT

INMATE Johnson, Steven

I.D. NO. T-26693

HOUSING UNIT P-2 / SMU

DATE July 30, 2004

D-REPORT NO.

04-0449

OFFENSE # 1, 2, 8, and 33.

CODE NO.

MINOR

MAJOR ☒

REFERRED TO DISTRICT ATTORNEY

DESCRIPTION OF OFFENSE

On Thursday, July 29, 2004 an interview was conducted by this reporting officer along with Inner Perimeter Security Sergeant Thomas Ficco and Officer Scott Baldwin relative to Correspondence MCIN04-1027 in which inmate Steven Johnson (T-26693) alleges that an inappropriate comment was directed towards him by an officer.

Through the interview process, and inmate Johnson's own self-admission, he wanted to recant his initial written statement and further advised that he was not even certain that an inappropriate comment was directed towards him.

As a result, inmate Johnson was escorted and placed within the Special Management Unit via the Health Services Unit on Pending Investigation Status.

HAS INMATE BEEN PLACED ON AWAITING ACTION STATUS?

YES XXX

NO

SHIFT Flex

DAYS OFF Flex

REPORTING STAFF PERSON'S SIGNATURE

C.O. Donald Mahoney, IPS

SHIFT COMMANDER'S SIGNATURE

DISCIPLINARY OFFICER'S SIGNATURE

FINDING AND SANCTION, IF ANY

APPEAL RESULTS

REVIEWING AUTHORITY

DATE:

(transcribed from disciplinary hearing if major matter)

Dismiss 33
Appeal denied 8/23/04
8/23/04

MASSACHUSETTS DEPARTMENT OF CORRECTION M. C. I. NORFOLK

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RESULTS OF APPEAL

TO: Johnson, Steven (726693)FROM: D-REPORT NO. 04-0449DATE: 8/19/04

A. BY THE DISCIPLINARY BOARD

After reviewing your case involving the above-cited Disciplinary Report, the Board finds as follows:

- Converted to #2 with g. H. # 1, 8 Dismiss #33
- Stipulation for a CSQ
- 20 hours extra duty

Camille Lyons

Chairperson

Member

Member

B. BY THE SUPERINTENDENT

After reviewing your case involving the above-cited Disciplinary Report, I find as follows:

Appeal DeniedPaul J. Fenner
Superintendent

Date

8/20/04A copy of this decision has been served on the inmate 113[Signature]
Staff Signature

Date/Time

8/20/04

facts:

In this case the Plaintiff is being held in Segregation in Retalitory action for his filing of a grievance against the Internal Security Officer O'Malley. On July 22, 2004 Officer O'Malley interviewed the Plaintiff after he had already been interviewed two previous times (One time in the unit and another by two I.P.S Officer on July 19, 2004). When he told Officer O'Malley that he did not fear for his safety and that no one was had threatened him, he demanded to know what happened. The Plaintiff told him that him and his bunkie had argument over the fact he was bragging about his Handball game claiming he was King of the Handballcourt, and this led to him being teased by his fellow inmates as such.. He had gone to the Tier Officer complain-ing that where not getting along together and that he was disrespecting him because he felt the Plaintiff didn't like him because he was Spanish, The Plaintiff told the Officers on Sunday the 18th of July and other Officers it was not that, just his cell-mate partner did not want to clean the cell and wanted to move in with a Spanish inmate but, wanted the Plaintiff to move out. He explained all this two previous times before Officer O'Malley came to talk to him. Officer O'Malley kept asking him about Latin Kings and such and the Plaintiff told him that he would go out and start to approach inmates out in Population. Plaintiff got scared thinking he was going to start asking questions of gang members about the Plaintiff so he filed a grievance about this., asking Officer O'Malley not to go around asking questions in population thus dirtying up his name in population and causing him problems that he did not need or want.

Once the Plaintiff was out in population and found that this was not true and that only a couple people had approached him about this and after discussing it with his Native American Brothers about the incident, they told him to withdraw the Grievance or he would end right back in Segregation for writing up an I.P.S. Officer especially Officer O'Malley.

The Plaintiff gets Panic Attacks and such filed the grievance with the information on which he had at the time and not do harm to anyone. But, when he tried to explain this to the Grievance Coordinator she told him he could not withdraw his

greivance and that he should not worry about Retaliation from no one for it is illegal to retaliate even if they are I.P.S. Officers. But the Plaintiff found this to be a lie for once he got into the Office with Sgt. Ficco he was threatened and made fun of and Reatilated Coiersed, intimidated and not allowed to even explain what happenbed and that the greivance was filed in good faith by the Plaintiff in this instant and that he filed it with the information he had on hand..

The Defendants refused to listen to anything that the Plaintiff in this case had to say instead placed him in Receiving Unit (Segregation)pending Investigation and then gave him a D.Report for what they claimed was a False report.

In this the Plaintiff argues the report was not false and he is being retaliated against by Defendants for exercising his first Amendment rights and it is unconstitutional retaliation for filing of an Inmate Greivance in Good Faith.

Additionally the Defendants are trying to punish the Plaintiff for previous Litigation against other I.P.S. Officers in different Prisons for retaliation for filing of greivances against them. *(and Pending Suits)*

In this the Plaintiff has done nothing wrong just filed a greivance in good faith and is now being punished for exercising of his constitutional rights.

REPLEVE:

In this the Plaintiff is asking for immediate release from Segregation and injuction against mci-Norfolk from further retaliation and to wipe this disciplinary hearing from his record as such and as such Punitive Damages of \$500.00 per day against the Deefendants for every day that the Plaintiff is kept in sgregation. Toplace safeguards that a Independent Investigator to be appointed not affiliated with the I.P.S's Office to investigate the claims made against I.P.S. Officials as not to be intimidated and placed on Segregation.

That their action be granted as Unconstitutional and new safeguards areput up to stop the harrassment and such in the future.